REMARKS

Applicants appreciate the thorough review of the present application as evidenced in the Office Actions dated December 14, 2004, June 16, 2005 and January 30, 2006. Applicants likewise appreciate the withdrawal of the previously pending rejections. The January 30, 2006 Office Action again rejects all of the claims based primarily on a newly cited prior art reference. For the reasons discussed herein, Applicants respectfully submit that the newly cited reference does not disclose or suggest the claimed subject matter, and hence Applicants respectfully request reconsideration and withdrawal of the pending rejections for at least the reasons set forth below.

I. Independent Claims 1, 8 and 12 are Not Anticipated by Goiffon

Independent Claims 1, 8 and 12 stand rejected in the Office Action as anticipated under 35 U.S.C. § 102 by U.S. Patent No. 6,427,230 to Goiffon et al. ("Goiffon"). As shown in the following sections, Goiffon does not anticipate any of these claims.

A. Independent Claim 1 is Not Anticipated by Goiffon

Independent Claim 1 is directed to an integrated data processing system that manages the delivery of software products to target computers or other target processing units. Claim 1 recites:

> 1. An integrated data processing system for **managing a process of delivery of software products** to **target software product execution units** in a network environment, comprising:
>
> a central repository for storing software components of at least one software product;
>
> a first sub-system for identifying within the central repository software components of a software product to be delivered;
>
> a second sub-system for creating at least one software product package from the identified software components identified by the first sub-system, and
>
> a **third sub-system for distributing the at least one software product package** created by the second sub-system to the target software product execution units.

(Claim 1, emphasis added). In contrast to the system of Claim 1, Goiffon discloses a "system for maintaining an object repository within an object management system." (Goiffon at Abstract). The object management system of Goiffon allows a user to identify groups of "software constructs" (which are also referred to in Goiffon as "code and data modules") that may be packaged together to perform a predetermined task. (Goiffon at Col. 4, lines 1-20). As discussed below, the system of Goiffon fails to disclose or suggest at least the above-emphasized recitations of Claim 1.

1. Goiffon Does Not Disclose a "System for Managing a Process of Delivery of Software Products"

Claim 1 is directed to, among other things, a "system for managing a process of delivery of software products." The Office Action states that Goiffon, at the Abstract, Col. 7, lines 23-40, Col. 14, lines 20-25 and Figs. 2A and 2B, discloses such a "system for managing a process of delivery of software products." Applicants respectfully submit, however, that the cited portions of Goiffon do not disclose such a system. In particular, Col. 7, lines 23-40 and Col. 14, lines 20-25 of Goiffon describe an "**Element** Inventory 102" and an "export" operation that may be used to "provide a copy of an **element** to the remote system." (*See, e.g.*, Goiffon at Col. 7, lines 33-34). However, Goiffon clearly states that the "**elements**" that are stored in the Element Inventory 102 and that are exported pursuant to the export operation are **objects that store meta data** describing the location, type and various other attributes of data and code modules that are stored elsewhere in the system. In particular, Goiffon states:

> **Element Inventory 102 . . . stores the various objects, or "elements", that are used to manage the code and data components** (not shown in FIG. 1) that support an enterprise. Each of the **objects stores meta-data**, or "data about data". This meta-data describes, among other things, the location of, and the type of, data or code that is stored within the respective component or module residing elsewhere within the system. This meta-data stored in an element also describes the various relationships that the respective data or code module has with other data and/or code modules. In this manner, **the elements stored in the Element Inventory 102 serves as an index that points to, and describes, the various data and code resources used to perform the functions** of the particular Information Technology (IT) platform which utilizes the Object Management System 100. The Element Inventory

> 102 may also include objects, or elements, that contain meta-data that points to and describes the processes and tools used by the Object Management System itself

(Goiffon at Col. 6, line 58 through Col. 7, line 6) (emphasis added).

Thus, the "export function" of Goiffon does not involve the delivery of a software product to an execution unit, but instead involves the export of a meta data object that points to, and describes, a software object that may be used to perform a function. The object repository, software constructs and packages discussed in the Abstract of Goiffon likewise have nothing to do with the delivery of a software product to a target execution unit. In fact, the Abstract only talks about "maintaining" a repository that "store[s]" objects, with no reference to the delivery or export of anything. Figs. 2A and 2B similarly do not disclose any "delivery of software products" as recited in Claim 1. Accordingly, the rejection of Claim 1 should be withdrawn as Goiffon does not teach or disclose a "system for managing a process of delivery of software products."

2. Goiffon Does Not Disclose the "Delivery of Software Products to Target Software Product Execution Units"

The preamble of Claim 1 further recites that the delivery of software products is to "target software product execution units." The Office Action states that the "client server" of Fig. 2A of Goiffon comprises the "target software product execution unit" of Claim 1. (Office Action at 4). What Goiffon states, however, is that the "Client Server provides the user interface to AIM Server 214." (Goiffon at Col. 11, line 67 through Col. 12, line 1). Thus, the Client Server is the server through which a user accesses the AIM Server 214, and clearly is not a "target software product execution unit" onto which a software product is delivered as recited in Claim 1. Thus, the failure of Goiffon to disclose or suggest a "target software product execution unit" provides a second and independent basis for withdrawal of the rejection of Claim 1.

3. Goiffon Does Not Disclose a "Sub-System for Distributing the at Least one Software Product"

Applicants also respectfully submit that Groiffon does not disclose or suggest the "third sub-system for distributing the at least one software product package" that is recited in Claim 1. The Office Action cites to Col. 7, lines 23-40, Col. 14, lines 20-25 and Figs. 2A and 2B of

Goiffon as disclosing this recitation of Claim 1. However, as noted above, what these portions of Goiffon disclose is that an "export" operation may be used to "provide a copy of an **element** to the remote system." (Goiffon at Col. 7, lines 33-34). As is also discussed above, the "elements" of Goiffon are objects that contain **meta data** regarding various code and data components that may be used to perform functions. (Goiffon at Col. 6, lines 58-66). Thus, the cited portions of Goiffon discuss exporting meta data to a "remote system" (which is another Object Management System), and clearly do not teach or disclose "distributing the at least one software product package created by the second sub-system to the target software product execution units" as recited in Claim 1. (*See* Goiffon at Col. 7, lines 29-33). Thus, Applicants respectfully submit that there is no teaching in Goiffon of a sub-system that distributes the "packages" (i.e., the alleged software products) to target execution units. The lack of any such teaching provides a third independent basis for withdrawal of the rejection of Claim 1.

Thus, for at least each of the above reasons, Applicants respectfully submit that Goiffon does not anticipate Claim 1.

B. Claim 8 is Not Anticipated by Goiffon

Claim 8 stands rejected for the same reasons as Claim 1. (Office Action at 7). Claim 8 is directed to a method for "delivering software products to target software product execution units in a network environment." Applicants respectfully submit that Claim 8 is patentable over Goiffon for each of the three reasons discussed above that Claim 1 is patentable over Goiffon. Applicants also respectfully submit that Goiffon does not disclose or suggest "installing the software product package thereon [i.e., on the target software product execution unit]" as recited in the last clause of Claim 8. Thus, for at least these four reasons, Applicants respectfully submit that Claim 8 is patentable over Goiffon.

C. Claim 12 is Not Anticipated by Goiffon

Claim 12 is directed to another method of developing and installing a software product on a plurality of target computers. Claim 12 recites in full:

> 12. A method of developing and installing a software product on a plurality of target computers, the method comprising:

storing a plurality of components in a central repository;

using at least some of the plurality of stored components to build the software product;

storing the built software product in the central repository;

creating an installable software package that includes at least some of the plurality of components and the built software product;

storing the installable software package in a second repository;

distributing the installable software package to at least some of the plurality of target computers; and

installing the distributed installable software package on the at least some of the plurality of target computers.

The Office Action rejects Claim 12 as anticipated by Goiffon. Applicants also respectfully traverse this rejection.

As an initial matter, Applicants respectfully submit that Goiffon does not disclose or suggest a "method of developing and installing a software product on a plurality of target computers" or "distributing the installable software package to at least some of the plurality of target computers." As Applicants have already explained above with respect to Claims 1 and 8 why Goiffon does not disclose similar recitations contained within Claims 1 and 8, Applicants will not repeat their arguments here, but instead incorporate the above arguments by reference. In addition, Applicants further submit that Goiffon does not disclose or suggest "storing the built software product in the central repository." The Office Action cites to the rejection of Claim 2 in an earlier part of the Office Action as identifying the portions of Goiffon that teach this recitation of Claim 12, namely block 1024 of Fig. 10 and blocks 1808, 1816 and 1828 of Figs. 18A and 18B. Applicants respectfully submit, however, that the cited portions of Goiffon fail to disclose or suggest "storing the built software product in the central repository."

In particular, block 1024 of Fig. 10 and blocks 1808, 1816 and 1828 of Figs. 18A and 18B are directed to steps in processes that are used to create "Element Packages." (Goiffon at Col. 27, lines 11-13 and Col. 34, lines 60-62). According to block 1024 of Fig. 10 of Goiffon, "an element of type 'elementpackage' [is created] to record the list of elements in the element package." (Goiffon at Fig. 10, block 1024). Blocks 1808, 1816 and 1828 likewise recite steps in a process that are used to create an "Element Package." As discussed above, the "elements" of

Goiffon are objects which store meta data (i.e., data about data) that describes the location, type and relationships of various data or code modules. (Goiffon at Col. 6, line 58 through Col. 7, line 6). Goiffon also expressly describes the "Element Package" as the "elements that represent, and model, all code and data modules that are needed to perform one or more predetermined functions." (Goiffon at Col. 22, lines 28-34). Thus, it is clear that the "Element Packages" of Goiffon are not a "built software product", and the cited portions of Goiffon clearly do not disclose storing such built software products in the same "central repository" in which the plurality of components are stored. This provides yet another basis for withdrawal of the rejection of Claim 12.

Claim 12 further recites "storing the installable software product in a second repository." The Office Action does not even attempt to identify where this recitation of Claim 12 is disclosed in Goiffon, and Applicants respectfully submit that nowhere does Goiffon teach or disclose storing an installable software product in a second repository. This provides still another basis for withdrawal of the rejection of Claim 12.

II. The Remaining Claims are Patentable Over the Cited Art

Dependent Claims 2, 4-7, 10, 13-15 and 17 also stand rejected in the Office Action as anticipated under 35 U.S.C. § 102 by Goiffon. Dependent Claims 3 and 9 stand rejected as obvious under 35 U.S.C. § 103(a) based on Goiffon in view of U.S. Patent No. 5,974,454 to Apfel et al. ("Apfel"). Dependent Claims 11 and 16 stand rejected as obvious under 35 U.S.C. § 103(a) based on Goiffon in view of U.S. Patent No. 6,110,228 to Albright ("Albright"). Applicants also respectfully traverse each of these rejections.

As an initial matter, Claims 2-7, 9-11 and 13-17 each depend from Claim 1, 8 or 12, and hence are patentable over the cited art for at least the reasons that the claims from which they depend are patentable. Applicants also respectfully submit that the dependent claims are independently patentable over the cited art. By way of example, dependent Claim 2 recites that the system includes "a software package distribution repository for storing the at least one software product package created by the second sub-system from the identified software components." As noted above, the Office Action cites to element 1024 of Fig. 10 and elements 1808, 1816 and 1828 of Figs. 18A and 18B as disclosing the recitations added by Claim 2.

However, the cited portions of Goiffon are directed to processing steps that are used to create "Element Packages", which are nothing more than meta data objects. (Goiffon at Col. 27, lines 11-13 and Col. 34, lines 60-62). As noted above, these meta data objects are not created from an identified group of software components that are stored in a central repository, and hence the creation of such element packages clearly does not disclose the recitations of Claim 2.

Likewise, Claims 3 and 9 stand rejected as obvious over Goiffon in view of Apfel. While Applicants dispute the Examiner's position that Apfel discloses the recitation of Claim 3, Applicants need not argue this point as Applicants respectfully submit that one of skill in the art would not have been motivated to combine Goiffon and Apfel in the manner suggested in the Office Action. As noted above, Goiffon is directed to a system for defining and managing reusable groups of software objects. (*See, e.g.*, Goiffon at Title). Apfel, on the other hand, is directed to a method and system for updating software programs that are already resident on target computers. The disclosures of Goiffon and Apfel have nothing in common, and are directed to entirely different problems and solutions. Applicants respectfully submit that a person of skill in the art would not have been motivated to incorporate the disclosure of Apfel regarding different upgrade packages for different operating systems into the system of Goiffon. In fact, Goiffon does not have anything to do with the delivery of executable software to target systems, but instead is directed to making it easier to reuse software objects in the development of new software code. Applicants respectfully submit that it is only by using Claim 3 as a roadmap that one would decide to combine the disclosures of Goiffon and Apfel in the manner suggested in the Office Action. However, as this is not a proper basis for finding motivation to combine references, the rejections of Claims 3 and 9 should also be withdrawn.

As Applicants have already addressed the rejections of all of Claims 1-17, Applicants will refrain at this time from providing further examples as to how the recitations of the dependent claims are not taught or disclosed by the cited art.

III. Conclusion

For the reasons discussed above, Applicants respectfully request that the Examiner reconsider and withdraw the pending rejections, and pass the present application to allowance.

Sincerely,

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